

Zoning Text Amendment No.:06-13  
Concerning: Established building line  
Draft No. & Date: 1 – 4/21/06  
Introduced: 4/25/06  
Public Hearing: 6/13/05  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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District Council at the Request of the County Executive

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- clarifying that the established building line requirements apply only if there are at least two existing residential dwellings that are not non-conforming and within 300 feet of the side property line of the proposed construction site; and
- generally amending the established building line standards

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-A. In General

Section 59- A-5.33. Established building line.

<b>EXPLANATION:</b>	<p><b><i>Boldface</i></b> indicates a heading or a defined term.</p> <p><u><i>Underlining</i></u> indicates text that is added to existing laws by the original text amendment.</p> <p><i>[Single boldface brackets]</i> indicate text that is deleted from existing law by the original text amendment.</p> <p><u><i>Double underlining</i></u> indicates text that is added to the text amendment by amendment.</p> <p><i>[[Double boldface brackets]]</i> indicate text that is deleted from the text amendment by amendment.</p> <p><i>* * *</i> indicates existing law unaffected by the text amendment.</p>
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## *ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec 1. Division 59-A is amended as follows:**

2   **DIVISION 59—In General**

3   \* \* \*

4   59-A-5.33.   Established building line.

5           (a)    The established building line, as defined in 59-A-2.1, applies only in the R-60, R-  
6   90, R-150 and R-200 zones.

7           (b)    The two or more buildings considered in determining the established building line  
8   must:

9                   (1)   all be within 300 feet of the side property line of the proposed construction  
10   site (excluding corner lots);

11                   (2)   all be along the same side of the street;

12                   (3)   all be between intersecting streets or to the point where public  
13   thoroughfare is denied;

14                   (4)   all exist at the time when the building permit application is filed;

15                   (5)   not be nonconforming, unlawfully constructed, or constructed pursuant to  
16   a lawfully granted variance; and

17                   (6)   not be located on a pipestem or flag-shaped lot.

18           (c)    The established building line is the minimum setback for the zone, unless there  
19   are more than two buildings as described in (b) and more than 50 percent of the buildings  
20   described in (b) are set back greater than the minimum, in which case the average setback of all  
21   the buildings described in (b) excluding those buildings in the R-200 zone that are served by well  
22   or septic, is the established building line. Any building excluded from the established building  
23   line restriction must comply with the minimum setback requirement of the zone.

24           (d)    Corner lots have two front yards and are subject to established building line  
25   standards on both streets.

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27           **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of  
28   Council adoption.

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31   This is a correct copy of Council action  
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1 Linda M. Lauer, Clerk of the Council

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